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WASHINGTON, DC 20005

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OFFICE OF PETITIONS

In re Application of	:	
Ito et al.	:	
Application No. 09/842,778	:	LETTER REGARDING
Filed: April 27, 2001	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 1945-347	:	

This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed January 10, 2005. Applicants state that the initial determination of patent term adjustment for this case should be 90 days, not 97 days.

The application for patent term adjustment is **DISMISSED**.

On October 20, 2004, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 97 days. Applicants given no basis for their assertion that the correct PTA at the time of the mailing of the notice of allowance is 90 days.

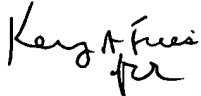
The application history has been reviewed, and it has been determined that the initial determination of patent term adjustment of 97 days is correct based on the entries of record. The record does not reveal a basis for the 7 day discrepancy suggested by applicant.

As this letter was submitted as an attempt to advise the Office of an error in Applicants' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks

applicants for their good faith and candor in bringing this matter to the attention of the Office.

The application is being forwarded to the Office of Patent Publication for issuance of the application.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.

A handwritten signature in cursive script, appearing to read "Karin Ferriter".

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy